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Our File No.
21681-102

December 23, 2010

By ECF

Hon. Arlene R. Lindsay
United States Magistrate Judge
United States District Court
Eastern District of New York
100 Federal Plaza, Room 814
Central Islip, New York 11722

**Re: Gurney's Inn Resort & Spa Ltd. v. Linda Benjamin, et al.,
No. 10-CV-3993 (JFB) (ARL)**

Dear Magistrate Judge Lindsay:

We represent plaintiff Gurney's Inn Resort & Spa Ltd. ("Gurney's") in the above matter. This letter is to advise the Court that the parties have agreed to mediation in this matter beginning in January 2011. At the mediation, we hope to resolve both this and the related matter pending in the Southern District of New York, *Benjamin v. Carusona et al.*, No. 09-CV-9722 (RWS).

Based on our agreement to mediate, the parties jointly request that the Court cancel the initial scheduling conference in this matter now scheduled for January 19, 2011, and stay further proceedings in this matter pending the outcome of mediation. The parties agree to promptly advise the Court when mediation is concluded.

We thank the Court for its time and attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'JWicks', is written over the typed name 'James M. Wicks'.

James M. Wicks

JMW:fcm

cc: All Counsel of Record (via ECF)